



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ANNE C. AVELLONE, ESQ.  
TWO LINCOLN SQUARE-SUITE 36J  
NEW YORK NY 10023

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Patent No. 7,080,392  
Issue Date: May 3, 2005  
Application No. 09/724,926  
Filed: November 28, 2000  
Attorney Docket No. TVABST

:  
:  
:  
:  
:  
ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed December 21, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of **\$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (2) and (3) above.

With respect to items (2) and (3): The petition filed December 21, 2010, cannot be accepted as being in compliance with 37 CFR 1.378(c) because the petition stated the payment of the maintenance fee and surcharge were to be paid by credit card. However, a review of the Office record shows that the credit card payment could not be processed because the credit card was declined. No consideration on the merits can be given until the required fee deficiency is remitted.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision and as stated above, must be accompanied by the additional fee of \$400. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: **Mail Stop PETITION**

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions